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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,488	03/15/2000	Steve Sheppard	6019.3022	9809

26853 7590 09/27/2002

COVINGTON & BURLING  
ATTN: PATENT DOCKETING  
1201 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, DC 20004-2401

EXAMINER
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BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 09/27/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/525,488

Applicant(s)

SHEPPARD ET AL.

Examiner

Brown M. Reuben

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 28 June 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 4,5,17,18,26-30,32-42 and 48-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 4-5,17-18,36-37,40-42 & 48-50 is/are allowed.
- 6) Claim(s) 26-28,32-35 and 39 is/are rejected.
- 7) Claim(s) 29 and 30 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.                    6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 28, 32, 35 & 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuroiwa, (U.S. Pat # 5,715,020).

Considering claim 28 the claimed method for receiving and decoding signals from a telecommunications network at a residential gateway and transmitting the decoded signals to a plurality of devices, including multiple TV's, comprising connecting the residential gateway to the telecommunications network and to each of the plurality of devices so that all communications between the network and the devices must pass through the residential gateway, is met by operation of the HIB 500, (Fig. 29; Fig. 40). The claimed feature of selecting a TV channel to view for at least one of the TV's by transmitting a channel select command to a receiver within the residential gateway reads on Kuroiwa, col. 5, lines 30-36 & col. 9, lines 15-45.

The claimed feature of transmitting the at least one channel select command to the telecommunications network is met by Kuroiwa, (col. 8, lines 25-50; col. 18, lines 30-67; col. 25, lines 1-14. The additionally claimed features of receiving a video signal from the telecommunications network corresponding to the at least one channel select command, converting the video signal into at least one series of packets, decoding the series of video signals into a TV signal, by at least one of a plurality of video decoders, and transmitting the TV signal to the appropriate TV is met by Kuroiwa, (col.8, lines 54-63; col. 12, lines 51-65 & col. 26, lines 11-21). As for the plurality of video decoders Kuroiwa, discloses a plurality of moving picture processors 504 (Fig. 3; col. 10, lines 1-5).

Considering claims 32, 35 & 39 the instant claims are directed to an apparatus, which corresponds with subject matter mentioned above in the rejection of claims 26-27, and are likewise rejected. As for the claimed optical feature, Kuroiwa teaches that the remote control may use infrared technology, col. 4, lines 44-46.

*Claim Rejections - 35 USC § 103*

3. Claims 26-27 & 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuroiwa, (U.S. Pat # 5,715,020).

Considering claims 26-27, the claimed method for receiving and decoding signals from a telecommunications network at a residential gateway and transmitting the decoded signals to a plurality of devices, including multiple TV's, comprising connecting the residential gateway to the telecommunications network and to each of the plurality of devices so that all communications between the network and the devices must pass through the residential gateway, is met by operation of the HIB 500, (Fig. 29; Fig. 40). The claimed feature of selecting a TV channel to view for at least one of the TV's by transmitting a channel select command to a receiver within the residential gateway reads on Kuroiwa, col. 5, lines 30-36 & col. 9, lines 15-45.

The claimed feature of transmitting the at least one channel select command to the telecommunications network is met by Kuroiwa, (col. 8, lines 25-50; col. 18, lines 30-67; col. 25, lines 1-14. The additionally claimed features of receiving a video signal from the telecommunications network corresponding to the at least one channel select command, converting the video signal into at least one series of packets, decoding the series of video signals into a TV signal, by at least one of a plurality of video decoders, and transmitting the TV signal to the appropriate TV is met by Kuroiwa, (col. 8, lines 54-63; col. 12, lines 51-65 & col. 26, lines 11-21). As for the plurality of video decoders Kuroiwa, discloses a plurality of moving picture processors 504 (Fig. 3; col. 10, lines 1-5).

Regarding the additionally claimed feature of transmitting the TV signal to the first TV using an S-video cable, Official Notice is taken that at the time the invention was made, S-video

connection was very well known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Kuroiwa with the technique using of S-video cable, at least for the its known benefits of transmission of video signals in a closed-circuit environment.

Considering claims 33 & 34 the instant claims are directed to an apparatus, which corresponds with subject matter mentioned above in the rejection of claims 26-27, and are likewise rejected.

***Allowable Subject Matter***

4. Claims 4-5, 17-18, 36-37, 40 and 48-50 are allowed. Considering claims 4, 17-18, 40 & 48-50, prior art of record teaches wireless transmission of channel selection signals from a remote control device to residential gateways or network interface devices. However, prior art of record does not teach the claimed feature of receiving the wireless signal at an antenna package connected to one of a plurality of TV's, transmitting the wireless signal from the antenna package to a remote antenna module located in close proximity to a residential gateway, demodulating the wireless signal in order to extract the channel select command and transmitting the channel select command to the residential gateway. Claims 5 & 37 depend from allowed claims and are therefore allowable for at least the same reasons.

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2. Claims 29-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Butcher Teaches two-way between a STB and ATM gateway.

B) Humpleman Two-way within a residential video system.

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brown M. Reuben whose telephone number is (703) 305-2399. The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9314 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown



BHAVESH MEHTA  
PRIMARY EXAMINER